



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

NOV 16 1994

(AE-17J)

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Daniel Miller, Assistant Vice President
Kikkoman Foods, Inc.
Hwy 14 and Six Corners Road
Walworth, WI 53184

Re: Notice of Violation
Kikkoman Foods, Inc.
Walworth, Wisconsin

Dear Mr. Miller:

The United States Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Kikkoman Foods, Inc. (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Wisconsin State Implementation Plan at your Walworth, Wisconsin facility.

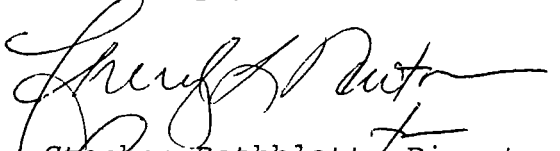
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Rhonda Land. You may call her at (312) 886-6867 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Linda Bochert, Michael Best & Friedrich
Lauren Hambrook, WDNR
William Bauman, WDNR
Lloyd Eagan, WDNR

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Kikkoman Foods, Inc.)	NOTICE OF VIOLATION
Walworth, Wisconsin)	
)	EPA-5-05-WI- 01
Proceedings Pursuant to)	
Section 113(a)(1) of the)	
Clean Air Act, 42 U.S.C.)	
§ 7413(a)(1))	
_____)	

NOTICE OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Kikkoman Foods, Inc. (Kikkoman) is violating the Wisconsin State Implementation Plan (SIP), specifically Chapters NR 406, NR 407, and NR 424, as follows:

Statutory and Regulatory Background

1. As of February 17, 1995, U.S. EPA approved NR 406.03 (Permit requirements and exemptions for construction permits), NR 407.04 (Permit application requirements) and NR 407.08 (Dates by which permits are required) as part of the federally enforceable SIP for Wisconsin. See 60 Fed. Reg. 3538.
2. On April 27, 1995, U.S. EPA approved NR 424.03 (Process lines emitting organic compounds) as part of the federally enforceable SIP for Wisconsin. 60 Fed. Reg. 20643.
3. NR 406.03 requires that no person may commence construction, reconstruction, replacement, relocation or modification of a stationary source unless the person has a construction permit for the source.
4. NR 407.04 requires that the owner or operator of a new or modified air contaminant source shall submit an operation permit application by the date that the application for the construction permit is filed.

5. NR 407.08 requires that the owner or operator of a new or modified air contaminant source which is required to obtain an operation permit may not operate without an operation permit.
6. NR 424.03 requires that process lines emitting organic compounds which were constructed on or after August 1, 1979, shall control volatile organic compound emissions by at least 85%.
7. 40 CFR § 52.23 provides, among other things, that a person who fails to comply with any approved regulatory provision of a SIP is in violation of and subject to an enforcement action under Section 113 of the Act.

Factual Background

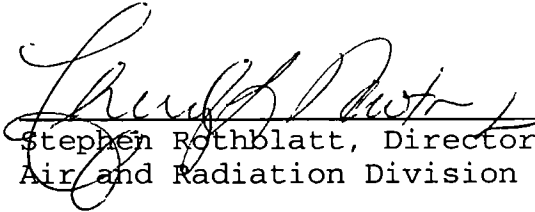
8. Kikkoman owns and operates a food processing facility at Hwy 14 and Six Corners Road in Walworth, Wisconsin.
9. In late 2000, Kikkoman began construction of a new spray dryer at the Walworth facility. Operation of the spray dryer began on October 8, 2001.
10. Kikkoman did not submit a construction permit application or an operating permit application prior to construction of the spray dryer.
11. On September 10, 2004, Kikkoman submitted a construction permit application for the spray dryer.
12. Kikkoman currently operates the spray dryer without an operating permit and without controlling volatile organic compound emissions.

Violations

13. Kikkoman failed to obtain a construction permit prior to construction of the spray dryer which constitutes a violation of NR 406.03.
14. Kikkoman failed to submit an operation permit application by the date that the construction permit application was required to be filed, which constitutes a violation of NR 407.04.

15. Kikkoman is operating the spray dryer without an operation permit for that air contaminate source, which constitutes a violation of NR 407.08.
16. Kikkoman is operating the spray dryer without controlling volatile organic compound emissions by at least 85%, which constitutes a violation of NR 424.03.

11/8/04
Date


Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice of Violation,
No. EPA-5-05-WI-01 , by Certified Mail, Return Receipt

Requested, to:

Daniel Miller
Assistant Vice President
Kikkoman Foods, Inc.
Hwy 14 and Six Corners Road
Walworth, WI 53184

I also certify that I sent a copy of the Request to Provide
Information Pursuant to the Clean Air Act by First Class Mail to:

Linda Bochert
Michael Best & Friedrich
One South Pinckney Street
PO Box 1806
Madison, WI 53701

Lauren Hambrook, Environmental Engineering Supervisor
Air Management, Southeast Region
9531 Rayne Road Suite 4
Sturtevant, WI 53177

William Bauman, Section Chief, Compliance and Enforcement
Wisconsin Dept. of Natural Resources
PO Box 7921
Madison WI 53707-7921

Lloyd Eagan, Bureau Director, Air Management
Wisconsin Dept. of Natural Resources
PO Box 7921
Madison WI 53707-7921

on the 8th day of November 2004

Shanee Rucker
Shanee Rucker, Secretary
AECAS (MI/WI)

Certified Mail Receipt Number: 70010320000615585694